

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

ARTHUR POWELL,	)	
	)	
Petitioner,	)	
	)	
v.	)	
	)	C.A. NO. 05-10824-NMG
DEPARTMENT OF HOMELAND	)	
SECURITY, DISTRICT DIRECTOR	)	
and BUREAU OF IMMIGRATION AND	)	
CUSTOMS ENFORCEMENT,	)	
	)	
Respondents.	)	
	)	

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MOTION TO TRANSFER MATTER  
TO FIRST CIRCUIT COURT OF APPEALS PURSUANT TO  
§ 106(c) OF THE REAL ID ACT OF 2005

Respondents hereby move to transfer this action to the First Circuit Court of Appeals pursuant to § 106(c) of the Real ID Act of 2005, Pub. L. No. 109-13, Div. B., 119 Stat. 321 (“RIDA”).

As grounds therefore, the Respondents state that the Petitioner, a citizen of the United Kingdom (“UK”), through this habeas petition, challenges the validity of an order of the District Director, pursuant to 8 C.F.R. §§ 217 and 237, ordering his immediate removal to the UK.

Pursuant to the RIDA, Congress has directed that any habeas claim, as in this case, challenging the validity of an order of removal pending on the date of the statute’s enactment, May 15, 2005, shall be transferred to the Court of Appeals.

The Respondents rely on their Memorandum of Law filed simultaneously herewith.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

/s/ Michael Sady  
Michael Sady  
Assistant U.S. Attorney  
United States Attorney's Office  
John Joseph Moakley Courthouse  
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DATED: May 20, 2005

CERTIFICATE OF SERVICE

I hereby certify that I caused true copy of the above document to be served upon counsel for petitioner by mail on May 20, 2005 addressed to Peter J. Mitchell, P.O. Box 4438, Springfield, MA 01101.

/s/ Michael Sady  
Michael Sady  
Assistant U.S. Attorney

LOCAL RULE 7.1 (A)(1) CERTIFICATION

The undersigned counsel certifies that he has contacted Petitioner's counsel concerning the instant motion.

/s/ Michael Sady  
Michael Sady